

IN RE: PETITION FOR ADMIN. VARIANCE	*	BEFORE THE
N/S Hilltop Acres Road, 50' E		
centerline of Jessica Lane	*	DEPUTY ZONING COMMISSIONER
11th Election District		
5th Councilmanic District	*	OF BALTIMORE COUNTY
(5110 Hilltop Acres Road)		
	*	CASE NO. 02-429-A
Anna Marie & Robert Lee Daniels		
Petitioners	*	

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Administrative Variance filed by Anna Marie and Robert Lee Daniels, the legal owners of the subject property. The variance request is for property located at 5110 Hilltop Acres Road in the Perry Hall area of Baltimore County. The Petitioners herein seek a variance from Section 1B01.2.C.2.a of the Baltimore County Zoning Regulations (B.C.Z.R.), and U.B.5.a (CMDP), to permit a window to tract boundary setback of 13 ft. in lieu of the required 35 ft. and to amend the Final Development Plan for a proposed garage. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1, the plat to accompany the Petition for Administrative Variance.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Deputy Zoning Commissioner, the information, photographs, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict

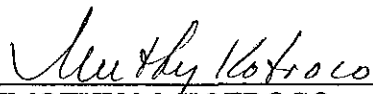
ORDER RECEIVED FOR FILE
 5/1/02
 R. J. Johnson

compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED, by the Deputy Zoning Commissioner for Baltimore County, this 15th day of May, 2002, that a variance from Section 1B01.2.C.2.a of the Baltimore County Zoning Regulations (B.C.Z.R.), and U.B.5.a (CMDP), to permit a window to tract boundary setback of 13 ft. in lieu of the required 35 ft. and to amend the Final Development Plan for a proposed garage, be and is hereby GRANTED, subject, however, to the following restriction which is a condition precedent to the relief granted herein:

1. The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.


TIMOTHY M. KOTROCO
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

TMK:raj

5/1/02
R. Jensen



Baltimore County
Zoning Commissioner

Suite 405, County Courts Bldg.
401 Bosley Avenue
Towson, Maryland 21204
410-887-4386
Fax: 410-887-3468

May 1, 2002

Mr. & Mrs. Robert Lee Daniels
5100 Hilltop Acres Road
Perry Hall, Maryland 21128

Re: Petition for Administrative Variance
Case No. 02-429-A
Property: 5100 Hilltop Acres Road

Dear Mr. & Mrs. Daniels:

Enclosed please find the decision rendered in the above-captioned case. The Petition for Administrative Variance has been granted in accordance with the enclosed Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days from the date of the Order to the Department of Permits and Development Management. If you require additional information concerning filing an appeal, please feel free to contact our appeals clerk at 410-887-3391.

Very truly yours,

A handwritten signature in cursive script, reading "Timothy M. Kotroco".

Timothy M. Kotroco
Deputy Zoning Commissioner

TMK:raj
Enclosure

Come visit the County's Website at www.co.ba.md.us



Printed with Soybean Ink
on Recycled Paper



Petition for Administrative Variance to the Zoning Commissioner of Baltimore County

for the property located at 5100 Hilltop Acres Road
which is presently zoned D.R.-S.5

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s)

U.B.S.a (CMOP) to permit a window to tract boundary setback of 13 ft.
in lieu of the required 35 ft. and to amend the Final Development
Plan.

of the zoning regulations of Baltimore County; to the zoning law of Baltimore County, for the reasons indicated on the back of this petition form.

Property is to be posted and advertised as prescribed by the zoning regulations.

I, or we, agree to pay expenses of above Variance, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:

Name - Type or Print

Signature

Address Telephone No.

City State Zip Code

Attorney For Petitioner:

Name - Type or Print

Signature

Company

Address Telephone No.

City State Zip Code

Legal Owner(s):

Robert Lee Daniels
Name - Type or Print

Robert Lee Daniel
Signature

Ann Marie Daniels
Name - Type or Print

Ann Marie Daniels
Signature

5100 Hilltop Acres Road 933-9481
Address Telephone No.

Perry Hall MD 21128
City State Zip Code

Representative to be Contacted:

Name

Address Telephone No.

City State Zip Code

A Public hearing having been formally demanded and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, this day of _____ that the subject matter of this petition be set for a public hearing, advertised, as required by the zoning regulations of Baltimore County and that the property be reposted.

Zoning Commissioner of Baltimore County

CASE NO. 02-429-A

Reviewed By RL Date 4/3/02

REV 10/25/01

Estimated Posting Date 4/15/02

Affidavit in Support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows: That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/do presently reside at 5100 Hilltop Acres Road
Address
Perry Hall Md 21128
City State Zip Code

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address (indicate hardship or practical difficulty):

We feel the property that said structure is to be placed is unique and unusual because there is no other structures that are on the side of the property where structure is to be placed.

We also feel that in adding said structure (garage) would able us to make reasonable use of our property.

We, the owners of previously mentioned property feel that with strict compliance to zoning that it would unreasonably prevent the use of the property for a attached garage.

We feel that public safety and welfare would be secured in reference to ordinance of said proposed attached garage.

That the Affiant(s) acknowledge(s) that if a formal demand is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

Robert Lee Daniels
Signature
Robert Lee Daniels
Name - Type or Print

Ann Marie Daniels
Signature
Ann Marie Daniels
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 3rd day of April, 2002 before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Robert Daniels and Ann Daniels
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal

William N. Kallas
Notary Public
My Commission Expires 6/1/05

Zoning Description for 5100 Hilltop Acres Road, Perry Hall, MD 21128

Beginning at a point of the South side of Hilltop Acres Road which is 50' right of way at the distance of 112' of the centerline of the nearest improved intersecting street Jessica Lane which is 50' right of way wide. Being Lot #26, _____ in the subdivision of Hilltop Acres as recorded in Baltimore County Plat Book #46, Folio #131 containing 11,151 square feet. Also known as 5100 Hilltop Acres Road and located in the 11th Election District, 5th Councilmanic District.

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 11185

DATE 4/3/02 ACCOUNT R001-006-6650

AMOUNT \$ 100.00

RECEIVED
FROM:

Ann Marie Daniels

FOR:

FDP amendment & Admin. Variance

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

Item # 429

PAID RECEIPT

BUSINESS ACTUAL TIME
4/06/2002 4/03/2002 12:09:54

REF US03 MALDEN KIM KIM DRIVER 4

>> RECEIPT # 238305 4/03/2002 DEPT

DEPT 5 528 ZONING VERIFICATION

CR NO. 011185

Receipt Tot \$100.00

100.00 EX .00 EX

Baltimore County, Maryland

CASHIER'S VALIDATION

CERTIFICATE OF POSTING

RE: Case No.: 02-429-A

Petitioner/Developer: ROBERT +
ANN DANIELS

Date of Hearing/Closing: 4/30/02

Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, MD 21204

Attention: Ms. Gwendolyn Stephens

Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law
were posted conspicuously on the property located at 5100 HILLTOP ACRES

RA

The sign(s) were posted on 4/15/02
(Month, Day, Year)

Sincerely,

[Signature] 4/15/02
(Signature of Sign Poster and Date)

SSG ROBERT BLACK

(Printed Name)

1508 Leslie Rd

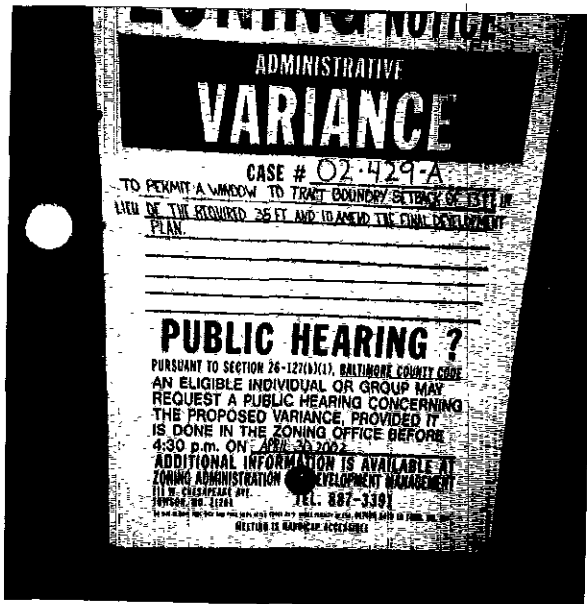
(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)



DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT

ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:

Item Number or Case Number: 02-429-A

Petitioner: Robert and Ann Daniels

Address or Location: 5100 Hilltop Acres Road
Perry Hall, Md 21128

PLEASE FORWARD ADVERTISING BILL TO:

Name: Robert and Ann Daniels

Address: 5100 Hilltop Acres Road
Perry Hall, Md 21128

Telephone Number: 410-933-9481

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 02- 429 -A Address 5100 Hilltop Acres Rd.

Contact Person: Bruno Rudaitis Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: 4/3/02 Posting Date: 4/15/02 Closing Date: 4/30/02

Any contact made with this office regarding the status of the administrative variance should be through the contact person (planner) using the case number.

1. **POSTING/COST:** The petitioner must use one of the sign posters on the approved list (on the reverse side of this form) and the petitioner is responsible for all printing/posting costs. Any reposting must be done only by one of the sign posters on the approved list and the petitioner is again responsible for all associated costs. The zoning notice sign must be visible on the property on or before the posting date noted above. It should remain there through the closing date.
2. **DEADLINE:** The closing date is the deadline for an occupant or owner within 1,000 feet to file a formal request for a public hearing. Please understand that even if there is no formal request for a public hearing, the process is not complete on the closing date.
3. **ORDER:** After the closing date, the file will be reviewed by the zoning or deputy zoning commissioner. He may: (a) grant the requested relief; (b) deny the requested relief; or (c) order that the matter be set in for a public hearing. You will receive written notification (typically within 7 to 10 days of the closing date) as to whether the petition has been granted, denied, or will go to public hearing. The order will be mailed to you by First Class mail.
4. **POSSIBLE PUBLIC HEARING AND REPOSTING:** In cases that must go to a public hearing (whether due to a neighbor's formal request or by order of the zoning or deputy zoning commissioner), notification will be forwarded to you. The sign on the property must be changed giving notice of the hearing date, time and location. As when the sign was originally posted, certification of this change and a photograph of the altered sign must be forwarded to this office.

(Detach Along Dotted Line)

Petitioner: This Part of the Form is for the Sign Poster Only

USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT

Case Number 02- 429 -A Address 5100 Hilltop Acres Rd.

Petitioner's Name Robert & Ann Daniels Telephone 410-933-9481

Posting Date: 4/15/02 Closing Date: 4/30/02

Wording for Sign: To Permit a window to front boundary setback of
13 ft. in lieu of the required 35 ft. and to amend the
Final Development Plan.



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
pdmlandacq@co.ba.md.us

April 29, 2002

Mr. & Mrs Robert Lee Daniels
5100 Hilltop Acres Road
Perry Hall MD 21128

Dear Mr. & Mrs. Daniels:

RE: Case Number: 02-429-A, 5100 Hilltop Acres Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on April 3, 2002.

The Zoning Advisory Committee (ZAC), which consists of representatives from several approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. All comments will be placed in the permanent case file.

If you need further information or have any questions, please do not hesitate to contact the commenting agency.

Very truly yours,

W. Carl Richards, Jr.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: gdz

Enclosures

c: People's Counsel

Come visit the County's Website at www.co.ba.md.us



BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits & Development
Management

DATE: May 21, 2002

FROM: Robert W. Bowling, Supervisor *RWB/DAK*
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
for April 22, 2002
Item Nos. 424, 427, 428, (429) 430, 431,
433, 434, 435, 436, 437, 438, 439, 440,
441 and 442

The Bureau of Development Plans Review has reviewed the subject zoning items, and we have no comments.

RWB:CEN:cab

cc: File



Baltimore County
Fire Department

Office of the Fire Marshal
700 East Joppa Road
Towson, Maryland 21286-5500
410-887-4880

Department of Permits and
Development Management (PDM)
County Office Building, Room 111
Mail Stop #1105
111 West Chesapeake Avenue
Towson, Maryland 21204

April 18, 2002

ATTENTION: George Zahner

RE: Property Owner: SEE BELOW

Location: DISTRIBUTION MEETING OF April 8, 2002

Item No.: See Below

Dear Mr. Zahner:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

The Fire Marshal's Office has no comments at this time,
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS:

426-435, 437-439

429

REVIEWER: LIEUTENANT JIM MEZICK, Fire Marshal's Office
PHONE 887-4881, MS-1102F

cc: File
COUNTY REVIEW GROUP MEETING{PRIVATE }

Come visit the County's Website at www.co.ba.md.us



BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO: Arnold Jablon

FROM: R. Bruce Seeley *RS /TGT*

DATE: May 10, 2002

~~Zoning, Reclass, Redistricting Petitions~~

SUBJECT: NO COMMENTS FOR THE FOLLOWING ZONING ITEMS:

CASES 454-457

~~Zoning Advisory Committee Meeting of April 22, 2002~~

SUBJECT: NO COMMENTS FOR THE FOLLOWING ZONING ITEMS:

424, 428, 429, 431, 433, 434, 435, 437, 438, 439, 440, 442

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits and
Development Management

DATE: April 23, 2002

FROM: Arnold F. 'Pat' Keller, III
Director, Office of Planning

APR 24

SUBJECT: 5100 Hilltop Acres Road

INFORMATION:

Item Number: 02-429

Petitioner: Robert Lee Daniels

Zoning: DR 5.5

Requested Action: Variance

SUMMARY OF RECOMMENDATIONS:

The Office of Planning supports the petitioner's request to allow a window to tract boundary of 13 feet in lieu of the minimum required 35 feet, and to amend the FDP.

Prepared by: Martha A. Cunningham

Section Chief: Jeffrey W. Zor

AFK/LL:MAC:



Maryland Department of Transportation
State Highway Administration

Parris N. Glendening
Governor

John D. Porcari
Secretary

Parker F. Williams
Administrator

Date: 4.18.02

Mr. George Zahner
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County
Item No. 429 BR

Dear Mr. Zahner:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Should you have any questions regarding this matter, please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

Very truly yours,

Kenneth A. McDonald Jr., Chief
Engineering Access Permits Division

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

PLAT TO ACCOMPANY PETITION FOR ZONING ☒ VARIANCE ☐ SPECIAL HEARING

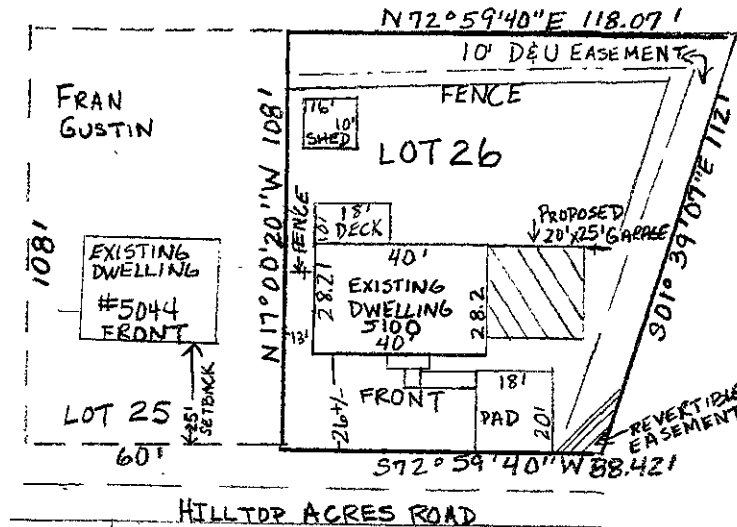
PROPERTY ADDRESS 5100 HILLTOP ACRES ROAD

SEE PAGES 5 & 6 OF THE CHECKLIST FOR ADDITIONAL REQUIRED INFORMATION

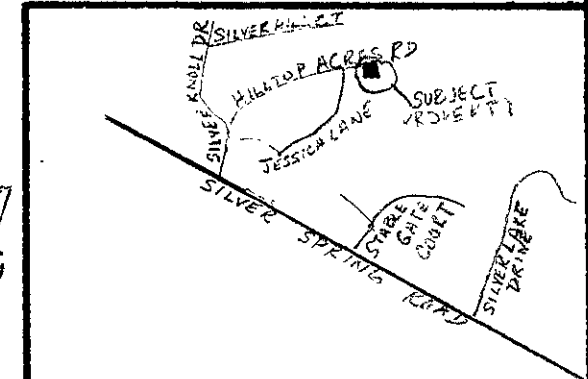
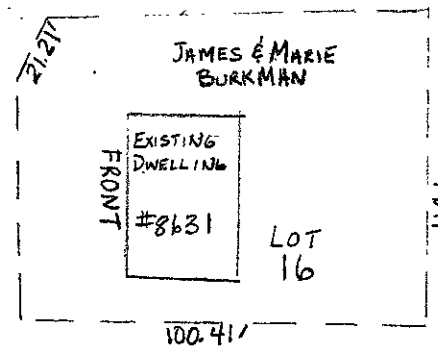
SUBDIVISION NAME HILLTOP ACRES

PLAT BOOK # 46 FOLIO # 131 LOT # 26 SECTION #

OWNER ROBERT AND ANN DANIELS



HILLTOP ACRES ROAD



VICINITY MAP
SCALE: 1" = 1000'

LOCATION INFORMATION

ELECTION DISTRICT 11
COUNCILMANIC DISTRICT 5
1" = 200' SCALE MAP # NE 9-H
ZONING DR 5.5

LOT SIZE .26 11,151
ACREAGE SQUARE FEET

SEWER ☒ PUBLIC ☐ PRIVATE
WATER ☒ PUBLIC ☐ PRIVATE

CHESAPEAKE BAY CRITICAL AREA YES ☐ NO ☒
100 YEAR FLOOD PLAIN YES ☐ NO ☒
HISTORIC PROPERTY/BUILDING YES ☐ NO ☒
PRIOR ZONING HEARING NONE

ZONING OFFICE USE ONLY
REVIEWED BY ITEM # CASE #



NORTH

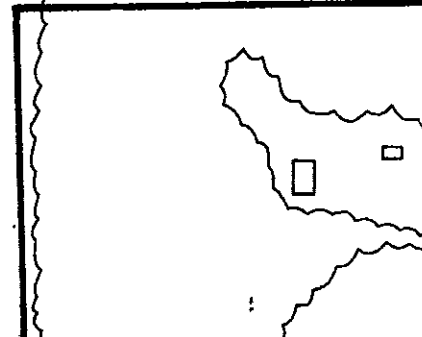
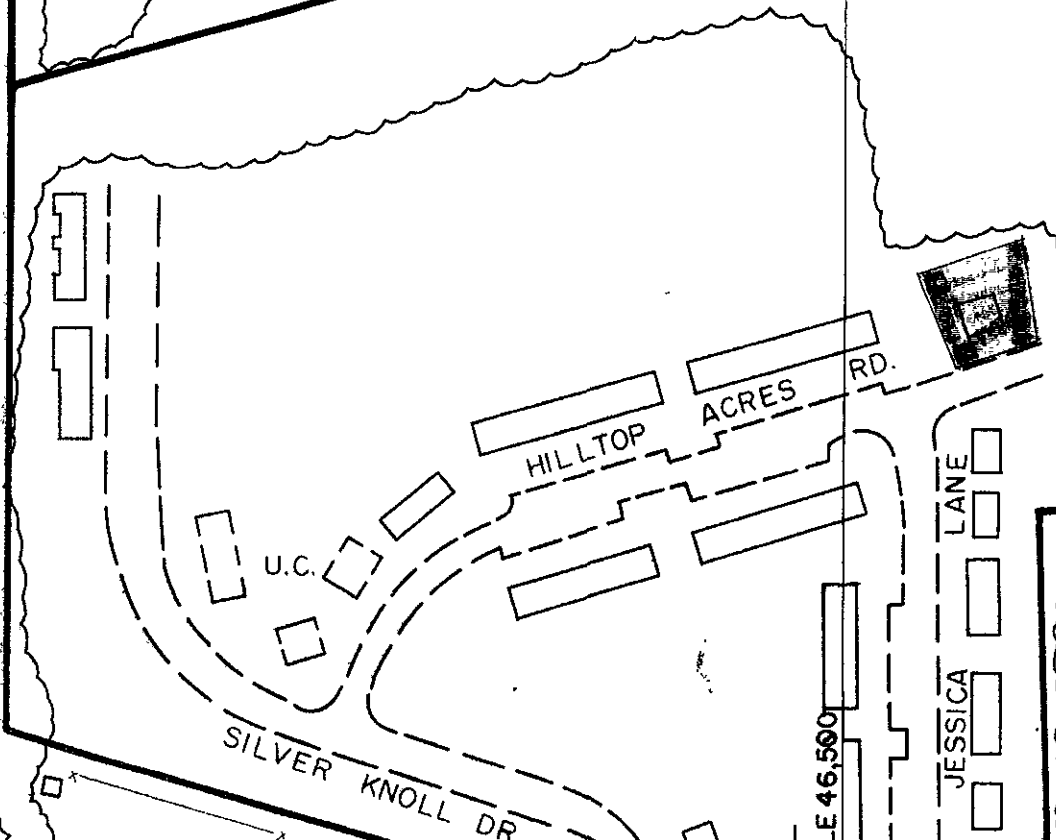
PREPARED BY AMD

SCALE OF DRAWING: 1" = 50'

BR | 429 | 02-429-A

D.R. 1

D.R. 5.5



SCALE

1" = 200' ±

DATE
OF
PHOTOGRAPHY
JANUARY
1986

Y
ZONING
MAP

NE 9-H

429



